IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.R.UDAYABHANU

WEDNESDAY, THE 24TH OCTOBER 2007 / 2ND KARTHIKA 1929

Crl.Rev.Pet.No. 838 of 2000()

CRA.337/1998 of SESSIONS COURT, THRISSUR
ST.1657/1997 of JUDL. MAGISTRATE OF FIRST CLASS COURT, KODUNGALLUR

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REVN. PETITIONER:

C.JAYAN MENON,
MANAGING DIRECTOR,
TRICHUR COTTON MILLS,
NATTIKA, THRISSUR.

BY ADV. SRI.M.P.ASHOK KUMAR

RESPONDENTS:

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1. DISTRICT LABOUR OFFICER,
THRISSUR.

2. STATE OF KERALA, REPRESENTED BY
THE PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM

BY PUBLIC PROSECUTOR, SRI AMJAD ALI

THIS CRIMINAL REVISION PETITION HAVING BEEN FINALLY HEARD ON 24/10/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

ORDER ON CRL.M.P.NO.4438/2000 IN CRL.R.P.NO.838/2000

CLOSED.

SD/- K.R.UDAYABHANU, JUDGE

24/10/2007

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K.R.UDAYABHANU, J.

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Crl.R.P.No.838 of 2000

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Dated this the 24th day of October, 2007

O R D E R

The revision petitioner is the Managing Director of Trichur Cotton Mills, who stands convicted for the offence under Section 25M read with Section 25Q of the Industrial Disputes Act and sentenced to pay fine of Rs.900/- and in default to undergo simple imprisonment for one month.

2. The prosecution case is that the workers of the particular industry was found to be placed under lay-off without obtaining the permission of the Government. It is the contention of the revision petitioner throughout that the lay-off was instituted due to shortage of power for which no prior sanction is required vide Section 25M of the I.D Act. The matter was considered by both the courts below.

3. The evidence adduced in the matter consisted of the testimony of PWs.1 to 3, Exts.P1 to P20, DW.1 and Exts.D1 to D7.

4. It was found that the power shortage was only of a limited quantity and the reduction of 70% was also further enhanced. It was found that even the the allotted quota was not utilised. In the circumstances the courts below have rightly found that the revision petitioner is not entitled to claim benefit of the clause under Section 25M of the I.D Act which says that 'unless such lay-off is due to shortage of power or to natural calamity'; and rightly so.

In the revision petition the revision petitioner has also raised a contention that the company was declared as a sick unit and placed under the B.I.F.R Scheme and hence, Section 22 of the Sick Industrial Companies (Special Provisions Amendment) Act applied. But I find that no materials to substantiate the above contentions are produced. In the circumstances, I find no reason to interfere in the findings of the courts below. The revision petition is dismissed.

K.R.UDAYABHANU,
Judge

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K.R.UDAYABHANU, J.

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Crl.R.P.No.838 of 2000

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O R D E R

24th October, 2007